

THE SATER DESIGN COLLECTION, INC.)	Civil Action No.: 4:08-4101-TLW-TER
)	
Plaintiff,	
)	
-vs-	
)	
WINGARD PROPERTIES, INC., JAMES	REPORT AND RECOMMENDATIO
T. WINGARD, DEBORAH WINGARD,	
RAY COVINGTON, THE LOWERY	
GROUP, INC., ROBERT C. LOWERY,	
STEVE SCHWARTZ, and JENNIFER	
SCHWARTZ,	
)	
)	
Defendants.	
)	
)	

As previously discussed in the Court’s July 20, 2009, Order, “the provisions of 28 U.S.C. § 1654 prohibit a non-attorney individual from representing a corporation in the federal courts.” Batac Development Corp. v. B&R Consultants, Inc., 2000 WL 307400 (S.D.N.Y., March 23, 2000) (citing Eagle Associates v. Bank of Montreal, 926 F.2d 1305, 1308 (2d Cir.1991) (Section 1654 “does not allow for unlicensed laymen to represent anyone else other than themselves Courts also have

interpreted this section to preclude a corporation from appearing through a lay representative.”)). Because The Lowery Group, Inc. has failed to obtain counsel as directed by the Court on two occasions, it is recommended that the Answer (Document # 52) filed by Robert C. Lowery on behalf of The Lowery Group, Inc. be stricken from the record and that the Clerk of Court be directed to make an entry of default as to The Lowery Group, Inc.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

March 3, 2010
Florence, South Carolina